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U.S. DISTRICT COURT

MICHAEL L. LARSEN (4069)
LARA A. REYMANN (8493)
PARSONS BEHLE & LATIMER
One Utah Center
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, UT 84145-0898
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

Attorneys for OVERSTOCK.COM

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

OVERSTOCK.COM, INC., a Delaware
corporation,

Plaintiff,

vs.

WHENU.COM, INC.,
a Delaware corporation,

Defendant.

Case No. 2:03-CV-570

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Judge Ted Stewart

THIS CAUSE came before the Court upon the parties' Stipulation for Dismissal Without Prejudice, filed November 3rd, 2003. Upon due consideration and pursuant to Federal Rule of Civil Procedure 41(a), it is hereby

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ORDERED that this action is DISMISSED WITHOUT PREJUDICE and this case is
CLOSED, this 5th day of November, 2003.

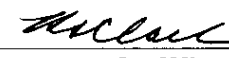


JUDGE TED STEWART
UNITED STATES DISTRICT COURT

Approved as to form:



Attorneys for Overstock.com, Inc.



Attorneys for WhenU.com, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2003, I caused to be mailed, via U.S. mail, postage pre-paid, a true and correct copy of the foregoing **ORDER OF DISMISSAL WITHOUT PREJUDICE**, to:

John A. Morris
Celia Goldwag Barenholtz
Corene S. Kristiansen
KRONISH LIEB WEINER & HELLMAN LLP
1114 Avenue of the Americas
New York, NY 10036-7798

Robert S. Clark
PARR WADDOUPS BROWN GEE & LOVELESS
185 South State Street, Suit 1300
Salt Lake City, UT 84111

A handwritten signature in cursive script, reading "Laura Reymann", is written over a horizontal line.

jmr

United States District Court
for the
District of Utah
November 5, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00570

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Michael L Larsen, Esq.
PARSONS BEHLE & LATIMER
201 S MAIN ST STE 1800
PO BOX 45898
SALT LAKE CITY, UT 84145-0898
EMAIL